



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
400 ARMY NAVY DRIVE
ARLINGTON, VIRGINIA 22202-4704

ESTABLISHING AN INTELLIGENCE OVERSIGHT SYSTEM: PRINCIPLES TO CONSIDER

Introductory Remarks as delivered to the International Intelligence Review Agencies Conference by Inspector General Joseph E. Schmitz of the Department of Defense, Chantilly, Virginia, Tuesday, October 5, 2004 (serving as Moderator of a conference panel bearing the above title).

Thank you George [Lotz, Assistant to the Secretary of Defense for Intelligence Oversight,] for that kind introduction.

The theme of our Panel this afternoon is, “Establishing an Intelligence Oversight System: Principles to Consider.” In this regard, I would like to thank both Deputy Director of Central Intelligence Larry Kindsvater, who yesterday reminded us that we in the intelligence business strive to protect not only security, but the “democratic principles” that are important to our respective countries, and Justice Antonin Scalia, who last night admonished us that the business of intelligence is NOT incompatible with the rule of law, which requires transparency; the Justice did, as you may recall from last night, indicate that the task of conforming intelligence to the rule of law can be “very difficult.”

What both Deputy Kindsvater and Justice Scalia have reminded us of is fundamental to our ongoing global war on terror. Allow me briefly to set the stage for this Panel’s discussion.

“[T]he principle of 'first and second things,' as C. S. Lewis calls it . . . [is] that when second things are put first, not only first things but second things too are lost. More exactly, when there are greater goods, or ultimate ends and proximate ends, if we put lesser goods, like survival, before greater goods, like values to survive for, then we lose not only the greater goods, the values, but even the lesser goods that we've idolized . . . [T]he society that believes in nothing worth surviving for beyond mere survival will not survive.”¹

Consistent with both Deputy Kindsvater’s and Justice Scalia’s comments yesterday and with the Principle of First and Second Things, I would encourage our panelists who are addressing “Principles to Consider” to focus on “first things first,” *i.e.*, the principles worth fighting for, in order that we might better focus on the “second things,” which include survival.

In this regard, I will conclude my opening remarks by quoting President Reagan’s list of American defining principles, which he presented to the British House of Commons 22 years ago

¹ Peter Kreeft, *A Refutation of Moral Relativism: Interviews With An Absolutists*, p. 133 (Ignatius Press 1999); *see* C.S. Lewis, “Time and Tide,” reprinted in *GOD IN THE DOCK* (1942) (“You can’t get second things by putting them first; you can get second things only by putting first things first. . . . Civilizations have pursued a host of different values in the past: God’s Will, honour, virtues, empire, ritual, glory, mysticism, knowledge. The first and most practical question for ours is to raise the question, to care about the summum bonum, to have something to live for and to die for, lest we die.”).

in the midst of the Cold War, principles steeped in the British tradition and which I would respectfully suggest still define “survival” for the entire Western Alliance in the 21st Century war on terror: “individual liberty; representative government, and the rule of law under God.”²

Our main speaker for this panel is Professor Ian Leigh, one of the driving forces behind the “Making Intelligence Accountable” project. Dr. Leigh is Professor of Law at the Law School at the University of Durham. He was a founding member of the Durham Human Rights Centre, of which he is also joint Director. In 2003 he initiated the “Making Intelligence Accountable” project, together with Dr. Hans Born of the Geneva Center for Democratic Control of the Armed Forces. He is in the process of publishing two major works on this topic.

Dr. Loch Johnson is Regents professor of Public and International Affairs at the University of Georgia, editor of the journal “Intelligence and National Security,” and author of several books and publications on national security. He, too, is deeply involved in the “Making Intelligence Accountable” project, having participated in the Norway conference. He is a co-editor of “Who’s Watching the Spies,” which contains a chapter on “Governing in the Absence of Angels: On the Practice of Intelligence Accountability in the United States,” which describes the beginning of the revolution in the intelligence accountability in the United States. Dr. Johnson speaks from first-hand experience. He was special assistant to the chair of the Senate Select Committee on Intelligence during 1975-76, the first years of its existence, and staff director of the House Subcommittee on Intelligence Oversight during 1977-79.

The Honorable Roman Vavrik is a member of the National Assembly of the Slovak Republic and Vice Chairman of the Committee on the Defense and Security of the National Council of the Slovak Republic. He has been a member of the National Council since the Slovak Republic gained independence from Czechoslovakia in 1993. From 1994 to 1998 he was a member of the Committee on Supervision of the Slovak Intelligence Service, and since 1998 he was a member of the Special Committee on Supervision of the National Security Authority. We look forward to hearing about the Slovakian experience in the oversight of intelligence.

The Right Honorable Joyce Quin is a distinguished member of the British Parliament and, since 2001, a member of the Intelligence and Security Committee. Prior to her election to Parliament, she served for 10 years as a member of the European Parliament.

We will begin by asking Professor Leigh to present his paper in ten to fifteen minutes. Each panelist will have ten minutes to speak. This will allow about forty minutes for audience participation and discussion.

[Paper presentation by Professor Leigh and panel discussion followed.]

² Ronald Reagan, “Speech to the House of Commons,” June 18, 1982 (www.fordham.edu/halsall/mod/1982reagan1.html).